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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/302,687	04/29/1999	DAVID I DIETZ	9076/102	7243

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EXAMINER

ALI, SYED J

ART UNIT

PAPER NUMBER

2195

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/302,687	DIETZ ET AL.	
	Examiner	Art Unit	
	Syed J. Ali	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 12-15 and 18 is/are rejected.
- 7) ☒ Claim(s) 7, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>Nov. 9, 2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed November 9, 2005. Claims 1-18 are presented for examination.
2. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Objections

3. **Claims 1 and 3-4 are objected to because of the following informalities:**
 - a. In line 10 of claim 1, “said executive element” should read “said history executive element.”
 - b. In line 4 of claim 3 and line 4 of claim 4, “said relationships” should read “said derived relationships.”Appropriate correction is required.

Double Patenting

4. Applicant is advised that should claim 8 be found allowable, claim 18 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

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5. Newly presented claim 18 differs from claim 8 only by a slight difference in wording. While claim 8 is directed to a “batch history view client application” comprising “means for” performing various functions, claim 18 recites a “batch history viewer” comprising “device[s]” that correspond to the “means” of claim 8. Despite these slight differences in wording, the claims cover the exact same limitations.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-6, 8, 12-15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenof (“Data Logging and Reporting for Effective Batch Control”).**

8. As per claim 1, Rosenof teaches the invention as claimed, including an event historian for batch processing comprising:

a history executive element for receiving process event information from one or more input sources operating in physical elements of a process and batch procedure event information that includes batch subprocedure event information from a batch control device, wherein the batch control device is separate from the physical elements of the process (pg. 30; Figs. 2-3, the historical report assembles data from physical elements of a process including specific information relating to individual batches), and for automatically deriving relationships among portions of said process event information and batch subprocedure event information based on generated event messages (pgs. 30-32; Fig. 5, an event log signals various stages of the process which are then displayed graphically to a user in relation to the ideal 'scheduled' performance);

a storage element coupled to said history executive element for persistently storing said process event information and said batch subprocedure event information and said derived relationships in response to requests from said history executive element (pgs. 30-31, separate log files are kept to track the process); and

an event information retrieval element for retrieving said process event information and said batch subprocedure event information in accordance with said derived relationships in response to requests from an application process (pgs. 31-32; Fig. 5, the log files are retrieved and reported to the user via a graphical interface).

9. As per claim 2, Rosenof teaches the invention as claimed, including the event historian of claim 1 further comprising a continuous data collection element for gathering continuous data in real time wherein said continuous data relates to at least one procedural element of a batch process (pgs. 29-30, real time data is recorded and stored in a historical record).

10. As per claims 3-4, Rosenof teaches the invention as claimed, including the event historian of claim 2 wherein said informational retrieval element further comprises a batch historian view client application for graphically presenting to a user said batch procedure event information and said derived relationships and said continuous data (pgs. 31-32; Fig. 5, the log files are reported to the user via a graphical interface).

11. As per claims 5-6, Rosenof teaches the invention as claimed, including the event historian of claim 1 further comprising a continuous data collection element for gathering continuous data in real time wherein said continuous data relates to at least one procedural element of a batch process (pgs. 29-30, real time data is recorded and stored in a historical record);

a batch event generator coupled to said history executive element as a first input source wherein said batch event generator generates events indicative of execution of procedural elements of a batch process (pg. 30, an event log generates events that indicate the occurrence of batch events); and

a process event generator coupled to said history executive element as a second input source wherein said process event generator generates events indicative of procedural elements performed within equipment used in the control of said batch process (pg. 30, an event log generates events that indicate the occurrence of process events as well as batch events) and an event log generated by said continuous data collection element (pg. 30).

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12. As per claims 8 and 18, Rosenof teaches the invention as claimed, including in a batch processing system, a batch history view client application comprising:

means for retrieving batch procedure event information that includes batch subprocedure event information from a batch control device and process event information from one or more sources operating separate from the batch control device in physical elements of a process corresponding to an identified batch (pgs. 31-32; Fig. 5, the log files are retrieved and reported to the user via a graphical interface); and

means for visually presenting to a user said batch procedure event information and process event information (pgs. 31-32; Fig. 5, the log files are retrieved and reported to the user via a graphical interface) and automatically deriving relationships among portions of said batch subprocedure event information and process event information (pgs. 30-32; Fig. 5, an event log signals various stages of the process which are then displayed graphically to a user in relation to the ideal 'scheduled' performance).

13. As per claim 12, Rosenof teaches the invention as claimed, including the view client of claim 8 further comprising means for retrieving other batch procedure event information corresponding to a second identified batch (pg. 30, batch data is stored for multiple batches); and

means for presenting to a user said other batch procedure event information and relationships among portions of said other batch procedure event information wherein said means for presenting said other batch procedure event information includes means for indicating differences between said batch procedure event information and said other batch procedure event

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information (pg. 31, the graphical interface presents data relating to multiple batches simultaneously for comparison).

14. As per claim 13, Rosenof teaches the invention as claimed, including the view client of claim 12 wherein said other batch procedure event information represents processing of a golden batch for comparison with other batches represented by said batch procedure event information (pgs. 31-32; Fig. 5, the 'scheduled performance' shows the desired data and is displayed simultaneously with the actual data for comparison).

15. As per claims 14-15, Rosenof teaches the invention as claimed, including the view client of claim 12 wherein said means for visually presenting includes means for presenting said batch procedure event information and said relationships in real time as said batch procedure event information is generated (pgs. 29-30, real time data is recorded and stored in a historical record) and means for scrolling said batch procedure event information horizontally across a user display screen (pgs. 31-32, the data is displayed with the time set along the horizontal axis, such that new data will be added along the horizontal access as time passes).

Allowable Subject Matter

16. **Claims 9-11 are allowed.**
17. **Claims 7 and 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

Response to Arguments

18. **Applicant's arguments with respect to claims 1-6, 8, 12-15, and 18 have been considered but are moot in view of the new grounds of rejection.**

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J. Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T. An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Syed Ali
January 11, 2006



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